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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ROBERT LEE GIVENS,) NO. CV 10-699-R(E)
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ROBERT LEE GIVENS,)
Petitioner,)
v.) ORDER OF DISMISSAL
L.A. SUPERIOR COURT, et al.,)
Respondent.)

17 PROCEEDINGS

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19 Petitioner filed a "Petition for Writ of Habeas Corpus by a
20 Person in State Custody" on February 1, 2010. It plainly appears from
21 the face of the Petition that Petitioner is not entitled to habeas
22 relief. Therefore, for the reasons discussed below, the Petition is
23 denied and dismissed without prejudice.
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25 DISCUSSION

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27 "According to traditional interpretation, the writ of habeas
28 corpus is limited to attacks upon the legality or duration of

1 confinement." Crawford v. Bell, 599 F.2d 890, 891 (9th Cir. 1979).
 2 The Petition does not attack the legality or duration of Petitioner's
 3 confinement. Rather, the Petition appears to seek reconsideration of
 4 an unspecified ruling on an unspecified "Motion for an [sic] Refund"
 5 (Petition at 5). Although the Petition references a "Motion for
 6 Reconsideration," no such motion was filed as a part of this Petition.
 7 In any event, because the Petition does not attack the legality or
 8 duration of Petitioner's confinement, habeas corpus is unavailable.
 9 Id. at 891-92; Frantz v. Hazey, 533 F.3d 724, 736 (9th Cir. 2008) (to
 10 warrant habeas relief, a petitioner must allege that he or she is in
 11 custody "in violation of the Constitution or laws or treaties of the
 12 United States" within the meaning of 28 U.S.C. section 2254(a)).

13
 14 LET JUDGMENT BE ENTERED ACCORDINGLY.¹

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 16 DATED: Feb. 3, 2010.



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 19 MANUEL L. REAL
 UNITED STATES DISTRICT JUDGE

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 21 PRESENTED this 3rd day of
 22 February, 2010, by:

23 _____/S/_____
 24 CHARLES F. EICK
 25 UNITED STATES MAGISTRATE JUDGE

26
 27 ¹ This Order and the resulting Judgment shall be without
 28 prejudice to the Court's consideration of a "Motion for
 Reconsideration, etc.," filed on January 29, 2010 in Robert Lee
 Givens v. Los Angeles Superior Court, CV 05-1181-SVW(PLAx).